IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9777 of 2004

Between:
Y.Hari Prasad, S/o Krishna Rao,
Pydah Degree College, Visakhapatnam, Visakhapatnam District.
..... PETITIONER

AND

1 Andhra University, rep.by its Vice-Chancellor, Visakhapatnam, Visakhapatnam District.
2 The Co-ordinator (Dean), College Development Council, Andhra University, Visakhapatnam, Visakhapatnam District.
3 The Principal, Adithya Degree College, Kakinada, East Godavari District.
4 The Principal, Pydah Degree College, Visakhapatnam, Visakhapatnam District.
.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the proceeding issued by the 2nd respondent in proceeding No.C-11 (Sup) Stud.Transfers/2004-05, dated 19-5-2004 as arbitrary, illegal and unconstitutional and consequently direct the 1st respondent herein to transfer the petitioner to 3rd respondent college herein from 4th respondent college herein to prosecute III Year Degree Course in B.Com (Comp), Vocational course

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI & Dr.P.B.Vijay Kumar.

The Court at the admission stage made the following Oral Order:

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Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondents.

The petitioner is studying B.Com II year in respondent No.3-College. On the ground that his father, who is employed in Godavari Fertilizers and Chemicals Limited at Visakhapatnam, had been transferred to Kakinada, the petitioner made a representation to respondent No.2 to transfer him from respondent No.4-College to respondent No.3-College, which is located at Kakinada, East Godavari. When respondent No.2-College Development Council refused to receive the representation, the petitioner approached respondent No.3-college who had no objection for admitting him into their college. When the petitioner represented respondent No.4 that respondent No.3-college has no-objection to admit him into their college, respondent No.4-college informed the petitioner that respondent No. 2-College Development Council, issued proceedings dated 19-5-2004, which is in the form of circular to all colleges concerned, directing them not to forward applications with respect to transfer of students from one college to another for the academic year 2004-05. It is this order, which the petitioner seeks to challenge in this writ petition.

The learned counsel for the petitioner submits that inasmuch as respondent No.3-College is ready and willing to admit the petitioner into their college, respondent No.2 should not have any objection, and more so when the petitioner is seeking transfer because of necessity, in that his father has been transferred from Visakhapatnam to Kakinada.

The learned Standing Counsel appearing on behalf of the respondents submitted that the circular issued by respondent No.2 is a general circular and has been issued to arrest the luring by colleges of students belonging to other colleges, and it does not preclude respondent No.1-Registrar of the University from considering requests for transfer

made on genuine reasons, supported by justifying material.

The petitioner admittedly has represented to respondent No.4-college, and respondent No. 1-Registrar of the University had no occasion to consider the request of the petitioner for his transfer from respondent No.4-college to respondent No.3-collge, and more so on the grounds taken by him. Inasmuch as the petitioner has not represented to respondent No. 1-Registrar of the University for his transfer from respondent No.4-college to respondent No.3-college, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner shall make a representation to respondent Nos. 1-Registrar of the University seeking transfer from respondent No.4-college to respondent No.3-college, supported by material, which justifies him to seek transfer, namely the transfer order of his father and other materials, and if such a representation is filed, respondent Nos. 1-Registrar of the University shall consider and dispose of the same and pass appropriate orders thereon.

Accordingly, the writ petition is disposed of. No costs.

Date: June 21, 2004.
KSR/RKK

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To
1 The Vice-Chancellor, Andhra University, Visakhapatnam, Visakhapatnam District.
2 The Co-ordinator (Dean), College Development Council,

Andhra University, Visakhapatnam, Visakhapatnam District.
3 The Principal, Adithya Degree College, Kakinada, East Godavari District.
4 The Principal, Pydah Degree College, Visakhapatnam, Visakhapatnam District.
5.Two CCs to GP for Education, High Court of A.P. Hyderabad (OUT)
6.Two CD copies.